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10/726,127

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Paritosh D. Patel

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EXAMINER

CARDENAS NAVIA, JAIME F

ART UNIT

PAPER NUMBER

3624

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/726,127	<b>Applicant(s)</b> PATEL, PARITOSH D.	
	<b>Examiner</b> Jaime Cardenas-Navia	<b>Art Unit</b> 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-9 and 30-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-9 and 30-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Introduction***

1. This **FINAL** office action is in response to communications received on February 2, 2009. Claim 1 has been amended. Claims 3, 4, and 10-29 were previously cancelled. Claims 30-37 have been added. Claims 1, 2, 5-9, and 30-37 are currently pending.

### ***Response to Amendment***

2. **Regarding claims 1, 2, and 5-9**, Examiner does not believe it is sufficiently clear from the claim language that all the steps are executed as part of the scheduling application and therefore on a computer. However, since Applicant has made it clear on p. 8 of Remarks that all steps are in fact executed through the scheduling application, Applicant's amendments to the claims are deemed **sufficient to overcome the 35 U.S.C. § 101 rejections** set forth in the previous office action.

### ***Response to Arguments***

3. Applicant's arguments have been fully considered by the Examiner. In particular, Applicant argues regarding independent claims 1, 30, and 31 that (1) Peskin does not teach or suggest a 'matrix' in the sense of the present invention, that (2) Klein does not teach or suggest 'assigning a link weight to the line segment between the pair of location nodes, wherein the link weight is a value representing a travel time that connects the pair of location nodes,' and that (3) Peskin does not teach or suggest 'upon receiving a travel condition, adjusting a corresponding link weight to account for the received travel condition and re-computing the travel time based on the adjusted link weight.' Finally, Applicant argues that (4) all dependent claims are allowable as a result of arguments (1) – (3).

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**Regarding argument (1)**, Examiner respectfully disagrees. Though Applicant may be their own lexicographer, in this instance, Applicant has not explicitly defined a 'matrix' in the claims or specification. Thus, Examiner believes that to import the limited definition of 'matrix' as used in the specification would constitute impermissible importation of subject matter from the specification into the claim. Therefore, as argued in the previous office action, Fig. 3 of Peskin shows a location matrix (fig. 3, table of rows and columns is a matrix, contains location name, x-y coordinates, and address) comprising a plurality of location nodes (fig. 3, x-y coordinates are nodes) using the broadest reasonable interpretation of the claims.

Examiner respectfully adds that Peskin's matrix is an equivalent to the matrix as described in Applicant's specification, particularly since this matrix is part of a scheduling application. Examiner believes the primary function of the matrix is to store location node and distance data, which both matrices certainly do.

**Regarding argument (2)**, Examiner respectfully disagrees. Fig. 3 of Klein is an example of a planned route, in which the user travels from point S to point Z. The invention of Klein takes into account mode of transportation. The various points along the path represent various nodes that must be traveled to in order to arrive at the destination, and contain corresponding link weights representing travel times that connect the location nodes (par. 27, period of time for arriving at the destination between current location and destination Z, which is the sum of the connecting link weights). In a simpler planned route, there would be a single line segment from origination to destination representing travel time. However, the example in Klein contains several pairs of location nodes, with line segments and associated link weights

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representing travel time connecting location nodes where travel is possible based on mode. Par. 32 of Applicant's specification discusses similar multi-node travel paths.

**Regarding argument (3)**, Examiner respectfully disagrees. Peskin clearly teaches upon receiving a travel condition, adjusting a corresponding link weight to account for the received travel condition and re-computing the travel time based on the adjusted link weight (par. 96, user's movement parameters, weather conditions, traffic conditions and the like constitute a travel condition, real-time data acquisition of these conditions are used to recalculate travel times, which are the link weights between nodes). The re-computing is performed using the updated movement parameters in the eta module.

**Regarding argument (4)**, Examiner respectfully disagrees as per the response to arguments (1) – (3) above.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 2, 5, and 30-33 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Peskin et al. (US 2003/0046304 A1) in view of Klein (US 2004/0220768 A1).

**Regarding claim 1**, Peskin teaches a computer-implemented method for managing travel time of meeting participants within a scheduling application comprising the steps of:

initializing the scheduling application in a computer (Abstract);

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identifying a meeting and meeting participants, meeting location and a meeting time for a meeting (par. 41, 45);

determining an origination location for at least one meeting participant (par. 41);

automatically computing a travel time for said participant based at least in part upon said meeting location and said origination location (par. 41, user's physical location is origination location, located of scheduled appointment is meeting location, par. 96, calculates time necessary for user to travel from current location to appointment destination), the computing step including:

constructing a location matrix comprising a plurality of location nodes (fig. 3, table of rows and columns is a matrix, contains location name, x-y coordinates (nodes), and address);

identifying a location node corresponding to the meeting location (par. 12, fig. 3, 4);

identifying a location node corresponding to the originating location (par. 12);

upon receiving a travel condition, adjusting a corresponding link weight to account for the received travel condition and re-computing the travel time based on the adjusted link weight (par. 96, real-time data acquisition of user's movement parameters, weather conditions, traffic conditions and the like are used to continuously calculate eta);

calculating a suggested departure time based on the computed travel time (par. 97, user is alerted to depart for a predefined time period plus the calculated travel time); and

presenting a meeting reminder to the meeting participant at some time before the suggested departure time (par. 97, user is alerted to depart for a predefined time period plus the calculated travel time).

Peskin does not expressly teach:

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drawing a line segment between each pair of location nodes when travel is possible between the pair of location nodes;

assigning a link weight to the line segment between the pair of location nodes, wherein the link weight is a value representing a travel time that connects the pair of location nodes; and

calculating the travel time based at least in part upon link weights of line segments between the originating location node and the meeting location node.

Klein teaches:

drawing a line segment between each pair of location nodes when travel is possible between the pair of location nodes (fig. 3);

assigning a link weight to the line segment between the pair of location nodes, wherein the link weight is a value representing a travel time that connects the pair of location nodes (par. 27, calculating "period of time for arriving at the destination" (travel time link weight) between current location S and destination Z (pair of location nodes));

calculating the travel time based at least in part upon link weights of line segments between the originating location node and the meeting location node (par. 27, calculating "period of time for arriving at the destination" (travel time link weight) between current location S and destination Z (origination and meeting location nodes)).

The inventions of Peskin and Klein pertain to scheduling appointments while considering travel time. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Klein does not teach away from or contradict Peskin, but rather, teaches a function that was not addressed. Additionally, the combination would have yielded predictable results to

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one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage in flexibility and accuracy of calculating the travel time by plotting the travel pathway as a series of links between nodes.

**Regarding claim 2**, Peskin teaches offering at least one mode of communication for participating in said meeting in a timely fashion, wherein said offering step is based at least in part upon said travel time and meeting time (par. 92, being physically present and speaking is one mode of communication for participating in said meeting).

**Regarding claim 5**, Peskin teaches before said meeting time, determining based upon said travel time that said participant will be unable to arrive at said meeting on-time without some adjustment being made (par. 98).

**Regarding claims 30-33**, they are rejected using the same art and rationale used above for rejecting claims 1, 2, and 5. This is because claims 30 and 31-33 claim a system and machine-readable storage, respectively, for performing the method of claims 1, 2, and 5.

6. **Claims 6-8 and 34-36 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Peskin et al. (US 2003/0046304 A1) in view of Klein (US 2004/00220768 A1), as applied to claims 1, 2, and 5, further in view of Perrella et al. (US 7,139,722 B2).

**Regarding claim 6**, Peskin does not teach responsively adjusting at least one aspect of said meeting so that said meeting participant can attend said meeting in a timely fashion.

Perrella teaches responsively adjusting at least one aspect of said meeting so that said meeting participant can attend said meeting in a timely fashion (col. 2, lines 15-19, col. 5, lines 46-47, col. 6, lines 24-29).



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The inventions of Peskin and Perrella pertain to scheduling appointments while considering travel time. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Perrella does not teach away from or contradict Peskin, but rather, teaches a function that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage of rescheduling an appointment as soon as it is known that at least one participant will not be able to attend the appointment on time.

**Regarding claims 7**, Peskin does not teach at least one of the following:

changing said meeting time to a later time;

changing said meeting location to reduce an associated travel time for said participant;

and

changing a meeting participation methodology for said participant from physical meeting attendance to a virtual meeting attendance.

Perrella teaches at least one of the following:

changing said meeting time to a later time (col. 2, lines 15-19, col. 5, lines 46-47, col. 6, lines 24-29);

changing said meeting location to reduce an associated travel time for said participant;

and

changing a meeting participation methodology for said participant from physical meeting attendance to a virtual meeting attendance.

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The inventions of Peskin and Perrella pertain to scheduling appointments while considering travel time. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Perrella does not teach away from or contradict Peskin, but rather, teaches a function that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage of rescheduling an appointment as soon as it is known that at least one participant will not be able to attend the appointment on time.

**Regarding claim 8**, Peskin does not teach responsively conveying an electronic document to each meeting participant, wherein said electronic document specifies at least one of a meeting adjustment notification and a predicted absence notification.

Perrella teaches responsively conveying an electronic document to each meeting participant, wherein said electronic document specifies at least one of a meeting adjustment notification (col. 2, lines 15-19, col. 5, lines 46-47, col. 6, lines 24-29) and a predicted absence notification.

The inventions of Peskin and Perrella pertain to scheduling appointments while considering travel time. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Perrella does not teach away from or contradict Peskin, but rather, teaches a function that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would

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have been obvious to combine the teachings, motivated by the advantage of rescheduling an appointment as soon as it is known that at least one participant will not be able to attend the appointment on time.

**Regarding claims 34-36**, they are rejected using the same art and rationale used above for rejecting claims 6-8. This is because claims 34-36 claim a machine-readable storage for performing the method of claims 6-8.

7. **Claims 9 and 37 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Peskin et al. (US 2003/0046304 A1) in view of Klein (US 2004/00220768 A1), as applied to claims 1, 2, and 5, further in view of Matheson et al. (US 2004/0111309 A1).

Neither Peskin nor Klein explicitly teach:

identifying a second meeting that is dependent upon said first meeting; and  
automatically adjusting a parameter of said second meeting responsive to said first meeting exceeding a previously established meeting end time.

Matheson teaches:

identifying a second meeting that is dependent upon said first meeting (par. 51); and  
automatically adjusting a parameter of said second meeting responsive to said first meeting exceeding a previously established meeting end time (par. 52).

The inventions of Peskin, Klein, and Matheson pertain to scheduling while taking into account traveling time. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Matheson does not teach away from or contradict Peskin or Klein, but

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rather, teaches a function that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage of fewer and less severe scheduling conflicts by automatically adjusting the schedule of dependent meetings as soon as it is known that the meeting the dependent meetings are dependent on is running late.

**Regarding claim 37**, it is rejected using the same art and rationale used above for rejecting claim 9. This is because claim 37 claims a machine-readable storage for performing the method of claim 9.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaime Cardenas-Navia whose telephone number is (571)270-1525. The examiner can normally be reached on Mon-Fri, 10:30AM - 7:00PM EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Bayat can be reached on (571) 272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 25, 2009

/J. C./

Examiner, Art Unit 3624

/Bradley B Bayat/

Supervisory Patent Examiner, Art Unit 3624